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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

12 AMEL DALLUGE,

13 Plaintiff,

14 v.

15 ALVA MOSELEY, *et al.*,

16 Defendants.
17

No. 09-5623BHS/JRC

ORDER WITHDRAWING A REPORT
AND RECOMMENDATION

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19 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
20 Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local
21 Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. Before the court is plaintiff's motion
22 asking for reconsideration of the Report and Recommendation to deny in forma pauperis status
23 (Dkt. # 5).

24 Plaintiff explains that he misunderstood the due date for correcting his deficiencies in the
25 motion for in forma pauperis status. (Dkt. # 7). The due date was November 6, 2009, (Dkt. # 2).
26

While the defects were corrected, the documents were not received until November 13, 2009,

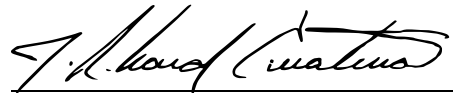
ORDER - 1

1 (Dkt. # 4). The documents were not available to the court until after November 16, 2009, when
2 the Report and Recommendation was filed.

3 The Report and Recommendation issued November 16, 2009, is WITHDRAWN. The
4 court will consider plaintiff's newly filed documents and submit a Report and Recommendation
5 after completing that review.

6 The clerk is directed to send plaintiff a copy of this order.

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8 DATED this 23rd day of December, 2009.

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12 J. Richard Creatura
13 United States Magistrate Judge
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